

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ANTHONY D. FORSTER,)
Petitioner,)
v.)
JAMES WORTHINGTON,)
Respondent.)

No. 3:06-0688
Judge Trauger

O R D E R

The petitioner, proceeding *pro se*, is a prisoner in the Brushy Mountain Correctional Complex in Petros, Tennessee. He brings this action seeking a federal writ of *habeas corpus* under 28 U.S.C. § 2254. (Docket Entry No. 3)

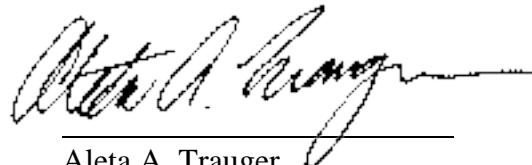
As provided in the Memorandum entered contemporaneously herewith, the petition and the record before the court clearly show that the petitioner is not entitled to federal *habeas corpus* relief. Therefore, the petition is **DENIED** and this action is **DISMISSED**. Rule 8(a), Rules – Section 2254 Cases. The petitioner’s motion for leave to amend his petition (Docket Entry No. 66) is **DENIED** as moot.

Should the petitioner file a timely notice of appeal from this Order, such notice shall be docketed as both a notice of appeal and an application for a certificate of appealability, 28 U.S.C. § 2253(c); Rule 22(b), Fed. R. App. P.; *see Slack v. McDaniel*, 529 U.S. 473, 483 (2000), which will issue **ONLY** as to his claim that the state courts erred in not appointing counsel on direct appeal, pp. 31-34 in the Memorandum, *see Castro v. United States of America*, 310 F.3d 900, 901 (6th Cir. 2002); *Murphy v. Ohio*, 263 F.3d 466, 467 (6th Cir. 2001); *Porterfield v. Bell*, 258 F.3d 484, 485-487 (6th Cir. 2001); *Lyons v. Ohio Adult Parole Auth.*, 105 F.3d 1063, 1073 (6th Cir. 1997)(overruled in

part on other grounds by *Lindh v. Murphy*, 521 U.S. 320, 326-27 (1977)).

Entry of this Order shall constitute the judgment in this action.

It is so **ORDERED**.



Aleta A. Trauger
United States District Judge